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Japan Airlines International Co., Ltd.

FILED

DISTRICT COURT OF GUAM

JUL 28 2006

MARY L.M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

ROBERTO J. DEL ROSARIO and
MELANIE DEL ROSARIO,

Plaintiffs,

vs.

JAPAN AIRLINES INTERNATIONAL
CO., LTD.,

Defendant.

CIVIL CASE NO. CIV04-00028

**REQUEST FOR ENTRY OF WRITTEN
ORDER GRANTING DEFENDANTS'
MOTION TO ENFORCE
SETTLEMENT AGREEMENT;
DECLARATION OF SERVICE**

The Parties are before the Court on Defendant's Motion to Enforce Settlement. Defendant asserted that on February 24, 2006, Defendant accepted Plaintiff's offer to settle his claims for \$175,000.00. Plaintiff contended that he did not make such a settlement offer, and refused to settle.

Accordingly, after conducting a Status Conference on March 1, 2006 and again on March 30, 2006, the Court set an evidentiary hearing for April 20, 2006 to take evidence for the purpose of deciding Defendant's Motion to Enforce Settlement. At the conclusion of that hearing, the Court **GRANTED** Defendant's motion and ordered Defendant to submit Proposed Findings of Fact and Conclusions of Law and a Proposed Order.


ORIGINAL

On May 4, 2006, Defendants filed a Notice of Submission attaching Proposed Findings of Fact and Conclusions of Law and a Proposed Order as Exhibits A & B. As of today, July 28, 2006, the Court has not yet filed either pleading. Absent entry and filing of such pleadings by the Court, this action is stalled and counsel and the parties are unable to advance the case toward a final resolution.

In the circumstances, Defendant hereby respectfully requests entry and filing of pleadings memorializing the Court's April 20, 2006 bench ruling granting Defendant's Motion to Enforce Settlement.

DATED: Hagåtña, Guam, July 28, 2006.

CARLSMITH BALL LLP


DAVID LEDGER
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DECLARATION OF SERVICE

I, David Ledger, hereby declare under penalty of perjury of the laws of the United States, that on the 28th day of July 2006, I will cause to be served, via hand delivery, a true and correct copy of the REQUEST FOR ENTRY OF WRITTEN ORDER GRANTING DEFENDANTS' MOTION TO ENFORCE SETTLEMENT AGREEMENT upon Plaintiffs Counsel of record as follows:

Howard Trapp, Esq.
Howard Trapp Incorporated
200 Saylor Building
139 Chalan Santo Papa
Hagåtña, Guam 96910

Executed this 28th day of July 2006 at Hagåtña, Guam.



DAVID LEDGER